

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

AMIN HAYES

PLAINTIFF

VS.

CIVIL ACTION NO. 3:10-cv-382-HTW-LRA

ENMON ENTERPRISES, LLC., d/b/a  
JANI-KING OF JACKSON, et al

DEFENDANTS

**ORDER**

The parties in this case have requested an extension of the deadlines and a continuance of the settlement conference, the pretrial conference, and the trial. According to the motion, Plaintiff is continuing to receive medical treatment, and Defendants have recently received additional medical information regarding Plaintiff's condition. The motion is unclear as to precisely the extensions being requested: Defendants ask for 56 additional days to depose Plaintiff's experts, and Plaintiff asks for 56 days (apparently to depose Defendants' experts). Discovery ended on March 28, 2011. The parties also request that the pretrial and trial be continued.

Rule 16(b)(4) of the Federal Rules of Civil Procedure provides that the schedule set by the court "may be modified only for good cause and with the judge's consent." The "good cause" standard requires the "party seeking relief to show that the deadlines cannot reasonably be met despite the diligence of the party needing the extensions." *S&W Enterprises v. Southtrust Bank*, 315 F.3d 533, 535 (5<sup>th</sup> Cir. 2003) *citing* 6A Charles Alan Wright et al., *Federal Practice and Procedure* § 1522.1 (2d ed. 1990). The undersigned finds

that changes in Plaintiff's medical condition and treatment during the pendency of this litigation establish good cause for an extension of the deadlines and continuance of the trial.

IT IS, THEREFORE, ORDERED:

1. The "Consent Motion to Amend Scheduling Order," ECF No. 40, is  
  
HEREBY GRANTED.
2. The discovery period is reopened solely for the purpose of conducting expert discovery until October 3, 2011.
3. The motion deadline is extended until October 17, 2011.
4. The pretrial conference is reset before Judge Reeves on March 9, 2012.
5. The trial of this cause is continued to Judge Reeves's trial docket beginning April 2, 2012, and ending April 13, 2012.

SO ORDERED, this the 24th day of June, 2011.

/s/ Linda R. Anderson  
UNITED STATES MAGISTRATE JUDGE